

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6108**

**BILL NUMBER: SB 21**

**NOTE PREPARED:** Jan 22, 2009

**BILL AMENDED:** Jan 14, 2009

**SUBJECT:** Theft of Metal.

**FIRST AUTHOR:** Sen. Tallian

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Valuable Metal Definition*- The bill expands the definition of "valuable metal", and removes the provision exempting valuable metal transactions under \$100 from reporting requirements. The bill specifies that the term "valuable metal" does not apply to a beverage can. The bill requires a valuable metal dealer to photograph the person from whom the dealer purchases valuable metal and the valuable metal being purchased and to record the source of the valuable metal.

*State Police*- The bill requires the Superintendent of the State Police to notify valuable metal dealers of valuable metals that are particularly susceptible to theft.

*Key Facility Definition*- The bill defines "key facility."

*Felony Provisions*- The bill makes trespassing a Class D felony if it is committed on a facility belonging to a key facility or public utility. The bill raises theft and receiving stolen property to a Class C felony if the stolen property is a valuable metal taken from a key facility, public utility, railroad, or highway department and the absence of the metal creates a substantial risk of bodily injury to a person.

*Law Enforcement Training Board*- The bill requires the Law Enforcement Training Board (LETB) to adopt rules to provide, as part of the inservice training program for police officers, training concerning the theft of valuable metals and the regulation of valuable metal dealers.

*Technical Correction & Repealers*- The bill makes a technical correction. The bill repeals obsolete provisions relating to the definition of valuable metals. (The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *State Police-* The Indiana State Police (ISP) may need to revise their valuable metal reporting form to include information on the source of the valuable metal. This revision would be able to be accomplished within the existing resources of the ISP. In addition, the ISP would likely be required to modify the valuable metal listing to include the additional metals under the bill.

*Felony Provisions-* A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years, and for all Class D felony offenders, approximately ten months.

*Law Enforcement Training Board-* Currently, the Indiana Law Enforcement Academy (ILEA) does not offer an inservice training class specific to valuable metals. Therefore, the Law Enforcement Training Board (LETB) would require additional expenditure to develop a class for valuable metals theft. The ILEA will receive a total appropriation of \$4.4 M during FY 2009. It is likely the ILEA could develop the class within existing resources if recent reversion trends of the ILEA continue.

**Background Information:** The ILEA reverted \$263,959 at the close of FY 2008, \$416,873 at close of FY 2007, and \$369,498 at the close of FY 2006, for an average reversion over the last three fiscal years of approximately \$350,000.

**Explanation of State Revenues:** *Felony Provisions-* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C or D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

*Law Enforcement Training Board-* The LETB would set the fees required to take the proposed valuable metals class. Ideally, fees would be set to recoup the cost to the ILEA to develop and provide the class to police officers.

**Background Information-** The ILEA offers inservice training at the following rates for FY 2009 (in-state).

Number of Hours of Class	Class Fees	Miscellaneous Fees*
40-hour class	Comm. Officer- \$375 (resident) \$225 (commute) Defensive Tact.- \$325 (resident) \$175 (commute) Instructor Dev.- \$400 (resident) \$250 (commute) Jail Officers- \$325 (resident) \$325 (commute) STOPS Instrct.- \$325 (resident) \$175 (commute) <i>Chiefs Exc. Trn.- \$450 (resident)</i> \$300 (resident)	\$20 nightly accommodation \$15 food per day (resident) \$6 lunch per day (commute)
24-hour class	\$200 (resident) \$125 (commute)	
40-hour specialty class	Emerg. Veh. -\$550 (resident) \$400 (commute)  Firearms - \$600 (resident) \$475 (commute)	

\*Per student miscellaneous fees are included in the Class Fees column.

“Resident” indicates student stays at the ILEA for duration of training course. “Commute” indicates student is daily transported to and from the ILEA.

**Explanation of Local Expenditures:** *Felony Provisions-* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

*Law Enforcement Training Board-* Local law enforcement agencies would pay the fees for the inservice valuable metals course. The impact would depend on the number of officers in training and the fees charged.

**Explanation of Local Revenues:** *Felony Provisions-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** DOC; State Police; LETB; ILEA.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs’ Association; DOC; Rusty Goodpaster, Executive Director, Law

Enforcement Training Academy, 317-839-5191; SBA close-out documents FY 2006, FY 2007, and FY 2008.

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